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13 RICHARD A. MARSHACK

14 UNITED STATES BANKRUPTCY COURT

15 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

16
17 In re
18 THE LITIGATION PRACTICE GROUP P.C.,
19
20 Debtor.

21 Case No: 8-23-bk-10571-SC

22 Chapter 11

23 NOTICE OF MOTION AND MOTION FOR
24 ORDER AUTHORIZING PRODUCTION
25 OF DOCUMENTS FROM JP MORGAN
26 CHASE BANK, NA PURSUANT TO
27 FEDERAL RULE OF BANKRUPTCY
28 PROCEDURE 2004; MEMORANDUM OF
POINTS AND AUTHORITIES; AND
DECLARATION OF LAILA MASUD IN
SUPPORT

29 [NO HEARING REQUIRED]

30 Date of Production:
31 Date: September 22, 2023
32 Time: 10:00 a.m.
33 Location: Marshack Hays LLP
870 Roosevelt
Irvine, CA 92620

34 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,
35 THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

36 Richard A. Marshack, in his capacity as Chapter 11 Trustee (“Trustee”) of the Bankruptcy
37 Estate (“Estate”) of The Litigation Practice Group P.C. (“Debtor”), respectfully files this motion
38 requesting that the Court enter an order requiring JP Morgan Chase Bank, NA (“Bank”) to produce
39 documents identified in Exhibit “1” no later than September 22, 2023, or at any other date as may be

1 agreed upon in writing by Trustee and Bank. The documents are requested pursuant to Rule 2004 of
2 the Federal Rules of Bankruptcy Procedure (“FRBP”) and Rule 2004-1 of the Local Bankruptcy
3 Rules (“LBR”). Counsel for Trustee has met and conferred with Bank as required by LBR 2004-
4 1(a).

5 Bank is to either (i) produce the original documents for inspection and copying at the law
6 offices of Marshack Hays LLP, 870 Roosevelt, Irvine, CA 92620, (ii) mail copies of the documents
7 to Marshack Hays LLP, 870 Roosevelt, Irvine, CA 92620 or (iii) e-mail said documents in pdf
8 format to D. Edward Hays at ehays@marshackhays.com and Laila Masud at
9 lmasud@marshackhays.com. This Motion is based upon the accompanying Memorandum of Points
10 and Authorities, Declaration of Laila Masud and all documents on file in this case.

11

12 DATED: August 29, 2023

MARSHACK HAYS LLP

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14

By: /s/ Laila Masud

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D. EDWARD HAYS

16

LAILA MASUD

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Attorneys for Chapter 11 Trustee

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RICHARD A. MARSHACK

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Memorandum of Points and Authorities

1. Summary of Argument

Pursuant to FRBP 2004, the Court may order the examination of an entity regarding matters that relate to acts, conduct, or property or to the liabilities and financial condition of the Debtor, or to any matter that may affect the administration of the Debtor's Estate. In this case, the Trustee, his counsel, and his accountants require the records related to Debtor's financial accounts in order to investigate and ascertain the extent/scope of certain avoidance actions. Thus, the Trustee files the instant motion to obtain the records directly from Bank.

2. Factual Background

10 On March 20, 2023, The Litigation Practice Group P.C. (“Debtor”) filed a voluntary petition
11 under Chapter 11 of Title 11 of the United States Code, initiating bankruptcy Case No. 8:23-bk-
12 10571-SC in the United States Bankruptcy Court for the Central District of California, Santa Ana
13 Division.

14 On March 30, 2023, as Dk. No. 21, the United States Trustee filed a motion to dismiss or
15 convert the case under 11 U.S.C. § 1112(b) for failure to comply with the U.S. Trustee guidelines
16 and requirements for a chapter 11 case.

17 On April 4, 2023, Debtor filed its schedules and statements. Docket Nos. 32-34, 36; *see also*
18 Docket Nos. 52-54 (amended schedules and statements).

19 On May 4, 2023, the Court entered an “Order Directing United States Trustee to Appoint
20 Chapter 11 Trustee.” Docket No. 58. Richard A. Marshack was appointed as the Chapter 11 trustee
21 of the Debtor’s estate. Docket Nos. 62-65.

22 On July 7, 2023, as Dk. No. 191, Trustee filed a sale motion in the Bankruptcy seeking to sell
23 substantially all of Debtor's assets including, leases, equipment, furniture, consumer client accounts,
24 prepayments, legal service agreements, intellectual property, pending licenses, and certain
25 proprietary property, all of which is defined in Section V.A. of the sale motion ("Sale Motion").

26 By Order of July 22, 2023, the Court authorized Trustee's sale of the Debtor's property (Dk.
27 No. 320).

1 **3. Grounds for 2004 Examination**

2 Pursuant to FRBP 2004, the Court may order the examination of an entity regarding matters
3 that relate to acts, conduct, or property or to the liabilities and financial condition of the Debtor, or to
4 any matter that may affect the administration of the Debtor's Estate. In this case, the Trustee, his
5 counsel, and his accountants require the records related to Debtor's financial accounts in order to
6 investigate and ascertain the extent/scope of certain avoidance actions. As this Court is aware,
7 Debtor's production of documents revealing its prepetition financial affairs, including books and
8 records, has been deficient to date. Thus, the Trustee files the instant motion to obtain the records
9 directly from Bank.

10 **4. Argument**

11 **A. Scope of Examination of Rule 2004(b) of the FRBP**

12 Rule 2004(b) of the FRBP provides that the scope of examination must relate to "acts,
13 conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which
14 may affect the administration or the debtor's estate, or to the debtor's right to a discharge." Through
15 this Motion, the Trustee seeks by examination to obtain information regarding possible concealed
16 assets, unauthorized transfers of Estate property, diversion of income and Estate assets, and potential
17 avoidance actions to avoid, recover and preserve, certain prepetition transfer of assets.

18 By this examination, Trustee seeks to obtain records relating to Debtor's business, assets,
19 including monthly bank statements, cancelled checks, all documents detailing other debits, and wire
20 transfers. The documents that Trustee seeks are set forth in **Exhibit 1** of this motion.

21 **B. Document Production**

22 FRBP 2004(e) provides that "If the debtor resides more than 100 miles from the place of
23 examination when required to appear for an examination under this rule, the mileage allowed by law
24 to a witness shall be tendered for any distance more than 100 miles from the debtor's residence at the
25 date of the filing of the first petition commencing a case under the Code or the residence at the time
26 the debtor is required to appear for the examination, whichever is the lesser."

27 Trustee does not seek authority to orally examine Bank pursuant to this Motion, and Bank
28 does not need to appear for examination. Instead, Trustee asks that Bank be ordered to produce the

1 documents identified in **Exhibit 1** on or before September 22, 2023, or at any date agreed to by
2 Trustee and Bank, at the offices of Marshack Hays LLP, 870 Roosevelt, Irvine, California 92620, or
3 by either (i) mailing copies of the documents to Marshack Hays LLP, 870 Roosevelt, Irvine,
4 California 92620 or (ii) e-mailing said documents in pdf format to D. Edward Hays at
5 ehays@marshackhays.com and/or Laila Masud at lmasud@marshackhays.com. As such, Trustee is
6 not required to tender a mileage allowance or a witness fee.

7 **C. Compliance with LBR 2004-1**

8 Local Bankruptcy Rule (“LBR”) 2004-1 provides that:

9 **(a) Conference Required.** Prior to filing a motion for examination or
10 for production of documents under FRBP 2004, the moving party must
11 attempt to confer (in person or telephonically) with the entity to be
examined, or its counsel, to arrange for a mutually agreeable date,
time, place, and scope of an examination or production.

12 **(b) Motion.** A motion for examination under FRBP 2004 must be filed
13 stating the name, place of residence, and the place of employment of
the entity to be examined, if known. The motion must include a
14 certification of counsel stating whether the required conference was
held and the efforts made to obtain an agreeable date, time, place, and
15 scope of an examination or production. The motion must also explain
why the examination cannot proceed under FRBP 7030 or 9014.

16 LBR 2004-1(a-b).

17 Bank is a financial institution that had business dealings with Debtor. On August 10, 2023
18 Laila Masud (“Ms. Masud”) of Marshack Hays LLP, counsel for the Trustee, caused a meet and
19 confer letter to be sent to Bank, in an effort to arrange for the production. *See*, Masud Decl. ¶5. On
20 August 22, 2023, counsel for Bank, Kevin G. Mruk had a discussion with Laila Masud, during
21 which he indicated that he been in contact with Bank’s National Subpoena Processing (“NSP”) unit
22 to make arrangements for gathering the documents and that once Trustee had an order, he would
23 coordinate further with NSP on the production of the requested documents. In an abundance of
24 caution, Trustee is requesting an order. *Id.*, at ¶6. The Trustee now files this Motion in an effort to
25 secure all documents requested in **Exhibit “1”** of this Motion.

26 The examination cannot proceed by formal discovery under FRBP 7030 or FRBP 9014
27 because there are no pending adversary proceedings or contested matters to which the scope of the
28 document production relates to the Trustee. *Id.*, at ¶7.

1 **D. Certification Pursuant to LBR 2004-1**

2 Undersigned counsel for the Trustee certifies that on August 10, 2023, prior to filing this
3 Motion, they attempted to communicate with Bank regarding the time, place, and scope of the
4 production sought by this Motion, as required by LBR 2004-1. *See*, Masud Decl. ¶5.

5 **5. Conclusion**

6 For all of the foregoing reasons, the Trustee respectfully requests that the Court grant this
7 Motion and order the requested examination. Specifically, Trustee requests that Bank be ordered to
8 produce the documents identified in Exhibit “1” no later than September 22, 2023, or any other day
9 mutually agreeable to Respondent and Trustee with two weeks of entry of an order approving this
10 Motion.

11

12 DATED: August 29, 2023

 MARSHACK HAYS LLP

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14 By: /s/ Laila Masud

15 D. EDWARD HAYS

16 LAILA MASUD

17 Attorneys for Chapter 11 Trustee

18 RICHARD A. MARSHACK

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Declaration of Laila Masud

I, LAILA MASUD, say and declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.

4 2. I am an attorney at law duly admitted to practice before this Court and all courts of
5 the State of California. I am a partner with the law firm of Marshack Hays LLP (“Firm”) and
6 maintain offices at 870 Roosevelt, Irvine, California, 92620.

7 3. I make this Declaration in support of the Trustee’s Motion for Examination of
8 JP Morgan Chase Bank (“Bank”), pursuant to Rule 2004 of the Federal Rules of Bankruptcy
9 Procedure (“Motion”). By this Motion, Trustee seeks the documents identified in the attached
10 **Exhibit “1.”** To complete its investigation into potential avoidance causes of action, Trustee
11 believes these documents are needed.

12 4. Capitalized terms not defined in this Declaration shall have the meaning ascribed to
13 them in the Motion. The facts set forth in this Declaration are true of my personal knowledge, and if
14 called upon to do so I could and would competently testify to these facts.

5. On August 10, 2023, I caused my staff to transmit a meet and confer letter regarding
6 FRBP 2004 examination to Bank and six other financial institutions. Attached hereto as **Exhibit**
7 “2” is a true and correct copy of the meet and confer letter.

18 6. On August 22, 2023, I had a discussion with Kevin G. Mruk, counsel for Bank,
19 during which he indicated that he been in contact with Bank’s National Subpoena Processing
20 (“NSP”) unit to make arrangements for gathering the documents. He further indicated that once
21 Trustee had an order, he would coordinate further with NSP on the production of the requested
22 documents. In an abundance of caution, Trustee is requesting an order. The Trustee now files this
23 Motion in an effort to secure all documents requested in **Exhibit “1”** of the Motion. Importantly,
24 this Motion is being filed in case production cannot be obtained without a court order.

25 7. The examination cannot proceed by formal discovery under FRBP 7030 or FRBP
26 9014 because there are no pending adversary proceedings or contested matters to which the scope of
27 the document production relates to the Trustee.

1 8. I believe that examination of Bank under Rule 2004(b) of the Federal Rules of
2 Bankruptcy Procedure will assist the Trustee in recovering assets of the Estate. Bank is not a party to
3 this case and is not involved in a contested matter in Debtor's case.

4 9. The purpose of this Motion and the requested examination is to identify and locate
5 potential Estate assets.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
7 29, 2023.

/s/ Laila Masud
LAILA MASUD

EXHIBIT 1

Exhibit 1

Rule 2004 Examination Definitions and Instructions

A. Definitions

As used in these Requests, the following terms shall be defined as follows:

1. "DEBTOR" shall mean and refer to The Litigation Practice Group P.C., the debtor in Case No. 8:23-bk-10571-SC, a voluntary chapter 7 case currently pending in the United States Bankruptcy Court for the Central District of California, Central Division.

8 2. “BANKRUPTCY CASE” shall mean the Chapter 11 bankruptcy proceeding,
9 initiated on March 20, 2023, as a Chapter 11 bankruptcy proceeding, Central District of California
10 Bankruptcy Case No. 8:23-bk-10571-SC.

11 3. “YOU,” “YOUR,” and “RESPONDENT” shall mean and refer to the person most
12 knowledgeable for JP Morgan Chase Bank, NA on the subject of the request.

13 4. “TRUSTEE” shall mean and refer to Richard A. Marshack, in his capacity as
14 Chapter 11 trustee of the BANKRUPTCY CASE, and all other persons or agents acting on his
15 behalf in his capacity as Chapter 7 trustee of this case.

16 || 5. "PETITION DATE" shall refer to March 20, 2023.

17 6. “DOCUMENT” or “DOCUMENTS” mean and refer to any written, recorded
18 (electronically or otherwise), printed, or graphic matter, however produced or reproduced, whether
19 existing in paper format, as ELECTRONICALLY STORED INFORMATION, or otherwise, of
20 any kind or description, including originals, copies, non-identical copies, and drafts and both sides
21 thereof. DOCUMENTS include but are not limited to sound recordings, electronic memoranda,
22 and files with meta data intact (including e-mail or similar electronic messages or memos and word
23 processing, database, and spreadsheet files), photographs, ESI (defined below), and all other
24 tangible things in which words, figures, notations, or sounds are recorded in writing or by any
25 other means, however denominated, and any such material underlying, supporting, or used in the
26 preparation thereof.

27 7. "RELATING TO" shall have the same meaning as "RELATE," "REFER,"
28 "REFERRING TO," "RELATED TO," "EVIDENCE," "EVIDENCING," and "CONSTITUTE"

1 and includes referring to, recording, reflecting, supporting, interpreting, prepared in connection
2 with, used in preparation for, pertaining to, mentioning, having any relationship to, or being in any
3 way legally, logically, or factually connected with the matter discussed, in whole or in part.

4 8. “COMMUNICATION” means any transmission, relation, or delivery of things,
5 facts, thoughts or ideas by any means, method, or medium on or by which intelligence or
6 information can be delivered, transported, recorded, maintained or retrieved, including telephonic
7 face to face conversation, without limitation, any handwritten, typed, printed, graphic, electric,
8 magnetic, or illustrative material of any kind or description, including ESI (defined below), drafts
9 and final versions, originals and reproductions, signed and unsigned versions, however produced
10 or reproduced, and regardless of whether approved, signed, sent, received, redrafted, prepared by
11 or for, or in the possession, custody or control of the party to whom this discovery is propounded
12 or any other PERSON acting or purporting to act on behalf of such party.

13 9. “ELECTRONICALLY STORED INFORMATION” or “ESI” shall include,
14 without limitation, the following:

15 a. Information that is generated, received, processed, and recorded by laptop
16 computers, desktop computers, microprocessors, all manner of digital recording devices such as
17 portable cameras and microphones included with smartphones, and other electronic devices;

18 b. Internal or external web sites and servers;

19 c. Text, subject lines, attachments, contacts, appointments, and all information
20 contained within electronic mail (“e-mail”) accounts, whether those accounts are hosted or
21 serviced by a third-party provider such as Google’s Gmail, Microsoft Outlook, or Apple Mail;

22 d. Any and all communications, posts, text, images, or video messages posted
23 on a public-facing social media service such as Facebook, Google+, Twitter, Instagram,
24 Wordpress, Snapchat, or other social media service, to the extent not protected by federal and state
25 privacy laws;

26 e. Output resulting from the use of any software program, whether said
27 electronic data exists in an active file, specifying all files that are accessible and stored in a readily
28 usable format (e.g., active, online data; near-line data; offline storage; and archives);

1 f. Activity listings of email receipts and transmittals; and

2 g. All items stored on computer memories, hard disks, solid state drives or

3 hybrid drives, floppy disks, CD-ROMs, DVD-ROMS, Blu-ray disks, magnetic tape, microfiche,

4 USB memory sticks, external hard drives, online “cloud” storage hosted by an external service

5 such as Amazon Web Services, Microsoft OneDrive, iCloud, or a comparable service, the internal

6 flash memory of a smartphone such as an iPhone or Android device, or on any other media for

7 digital data storage or transmittal (e.g., a personal digital assistant such as a Blackberry), and file

8 folder tabs or containers and labels appended or relating to any physical storage device associated

9 with each original or copy of all Documents requested herein.

10. "IDENTIFY" shall mean:

11 a. When used in reference to a DOCUMENT, to state the type of
12 DOCUMENT (e.g., letter, memorandum, telegram, chart, etc.), its author and originator, its date or
13 dates, all addressees and recipients, and its present location or custodian;

14 b. When used in reference to a natural person, to state the person's full name,
15 current residence and business addresses, current residence and business telephone numbers and, if
16 applicable, his or her title, employment, and job description. If current addresses are unknown,
17 provide the last known business and residence address; and,

18 c. When used in reference to an entity, to state the name, address, and
19 telephone number of the entity.

20 | B. Instructions

21 || 1. Documents Withheld

22 If any DOCUMENT is withheld under a claim of privilege or other protection, so as
23 to aid the Court and the parties hereto to determine the validity of the claim of privilege or other
24 protection, please provide the following information with respect to any such DOCUMENT:

25 a. The DOCUMENT'S title, if any:

26 b. The full legal name, address, and title of the person(s) who prepared the
27 DOCUMENT, who signed it, and over whose name it was sent or issued;

28 c. The full legal name, address, and title of each person(s) to whom the

1 DOCUMENT was directed;

2 d. The nature and substance of the DOCUMENT with sufficient particularity
3 to enable the Court and parties to this ACTION to identify the DOCUMENT;

4 e. The date the DOCUMENT was first prepared;

5 f. The full legal name, address, and title of each person(s) who has custody of
6 or control over the DOCUMENT and each copy thereof;

7 g. The full legal name, address, and title of each person to whom copies of the
8 DOCUMENT were furnished;

9 h. The number of pages comprising the DOCUMENT;

10 i. The specific legal or factual basis on which any privilege or other protection
11 is claimed (blanket claims of attorney-client privilege will not be deemed sufficient);

12 j. Whether any non-privileged or non-protected matter is included in the
13 DOCUMENT, and whether the DOCUMENT can be sufficiently redacted to disclose only non-
14 privileged or non-protected matter;

15 k. The full legal name, address, and title of each person who has seen or
16 reviewed or is likely to have seen or reviewed the document; and a description of the subject
17 matter of the document YOU consider adequate to support the claim of privilege.

18 2. Partial Production

19 Whenever YOU object to a particular request, or portion thereof, YOU must produce all
20 documents called for which are not subject to that objection. Similarly, wherever a document is not
21 produced in full, state with particularity the reason or reasons it is not being produced in full, and
22 describe, to the best of YOUR knowledge, information and belief and with as much particularity as
23 possible, those portions of the DOCUMENT which are not produced.

24 3. Orderly Response

25 Please produce DOCUMENTS in such manner with specific reference to which
26 interrogatory, request for production, etc. which the DOCUMENT is responsively produced to.
27 Please produce all DOCUMENTS as they are kept in the usual course of business, organizing,
28 naming, and labeling them to correspond with each Request.

1 4. Construction of “And” and “Or”

2 As used herein, the words “and” and “or” shall be construed both conjunctively and
3 disjunctively, and each shall include the other wherever such dual construction will serve to bring
4 within the scope of this request any documents which would otherwise not be brought within its
5 scope.

6 5. Construction of the Singular and Plural Forms

7 As used herein, the singular form shall include the plural and vice versa whenever such
8 dual construction will serve to bring within the scope of this request any documents which would
9 otherwise not be brought within its scope.

10 6. Form of Production

11 YOU are to produce the requested DOCUMENTS for inspection, copying, or
12 photographing in their original form or legible, accessible electronic reproduction thereof.
13 DOCUMENTS may be produced electronically at YOUR option.

14 With regard to electronically-stored information, please produce Microsoft PowerPoint
15 presentations containing audio, Microsoft Excel documents containing macros, and Microsoft
16 Access databases in native format. Please produce all other documents produced electronically in
17 native format with metadata intact or in PDF format with metadata intact. Alternatively,
18 DOCUMENTS produced electronically may be produced in TIFF format with standard load files,
19 including .opt image load files and .data metadata load files.

20 ESI may be provided via CD, DVD, File Transfer Protocol site, portable hard or flash
21 drive, or other reasonably accessible media format. When practicable, please produce hard copy or
22 physical documents in scanned OCR’d PDF format with metadata intact or scanned TIFF format
23 with standard load files, including .opt image load files and .dat metadata load files. Data files
24 should not be zipped, encrypted, or otherwise restricted or proprietarily protected for specific use.
25 If the native file format is derived from software not accessible with Microsoft Office applications
26 (or other common applications), please so state in response to the particular Request.

27 If the Document or information requested is in a computer-readable form and not produced
28 in PDF or TIFF format, please specify the software (including the exact versions and release) used

1 to create the information. Also specify any other software, hardware, or other information such as
2 passwords or user-supplied files that are required or desirable in order to examine and use the
3 information. Specify the exact configuration of the hardware on which the information was
4 created, including the memory size (and graphics processing unit, if any, in the event the
5 information contains or requires graphics). Please give the exact name, release, and version of the
6 operating system used on the hardware.

7 NOTE: IF YOU ARE UNSURE AS TO THE INTENT AND MEANING OF ANY OF
8 THE FOREGOING DEFINITIONS OR ANY OF THE FOLLOWING REQUESTS FOR
9 PRODUCTION, YOU ARE HEREBY REQUESTED TO HAVE YOUR ATTORNEY
10 CONTACT ATTORNEYS OF RECORD FOR THE PROPOUNDING PARTY, WHO HEREBY
11 OFFER TO PROVIDE ANY NEEDED ASSISTANCE NECESSARY FOR YOU TO
12 UNDERSTAND THE INTENT AND MEANING OF ANY OF THE FOREGOING THEREBY
13 TO ENSURE THAT THE COURT IS NOT BURDENED BY ANY MOTION TO COMPEL
14 FURTHER RESPONSES TO REQUESTS FOR PRODUCTION BECAUSE OF ANY
15 UNCERTAINTY OF THE FOREGOING ON YOUR PART.

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DOCUMENTS REQUIRED TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

3 All DOCUMENTS, including statements, checks, cleared check images, deposits, deposit
4 details, wire transfers, withdrawals, withdrawal details, wire transfers, opening and closing
5 statements and cancelled checks, RELATED TO the accounts ending in 3568, 3158, 3133, and
6 3568 in the name of THE LITIGATION PRACTICE GROUP, P.C. (EIN 83-3885343), for the
7 following periods:

- May 1, 2022 to March 31, 2023.

REQUEST FOR PRODUCTION NO. 2:

10 All DOCUMENTS, including credit cards statements, opening and closing statements, and
11 authorized signatories, RELATED TO the accounts ending in 0935 and 6652, in the name of THE
12 LITIGATION PRACTICE GROUP, P.C. (EIN 83-3885343), for the following periods:

- October 1, 2022 to March 31, 2023.

REQUEST FOR PRODUCTION NO. 3:

15 All DOCUMENTS, including statements, opening and closing statements, checks, cleared
16 check images, deposits, wire transfers, and cancelled checks, and authorized signatories
17 RELATED TO all accounts, in the name of THE LITIGATION PRACTICE GROUP, P.C. (EIN
18 83-3885343), for the following periods:

- May 1, 2022 through March 31, 2023.

4884-8286-7837, v. 1

EXHIBIT 2

M A R S H A C K H A Y S L L P

ATTORNEYS AT LAW | LITIGATION | REORGANIZATION | BANKRUPTCY

Richard A. Marshack

D. Edward Hays

David A. Wood

Chad V. Haes

Laila Masud

Tinho Mang

Bradford N. Barnhardt

Sarah R. Hasselberger

Of Counsel

Kristine A. Thagard

Matthew W. Grimshaw

Sender: Laila Masud
lmasud@marshackhays.com
Reference No. 1015-157

10 August 2023

VIA U.S. MAIL ONLY

JP Morgan Chase Bank, NA
Attn: James Dimon, CEO
1111 Polaris Parkway
Columbus, OH 43240

JP Morgan Chase Bank, NA
c/o CT Corporation System
Registered Corporate 1505 Agent
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203

Re: *In re The Litigation Practice Group P.C.*
Case No. 8:23-bk-10571-SC

Dear Mr. Dimon and Agent for Service of Process:

Marshack Hays LLP (“Firm”) represents Richard A. Marshack, the duly appointed and acting Chapter 7 Trustee (“Trustee”) for the Bankruptcy Estate (“Estate”) of The Litigation Practice Group, P.C. (“Debtor”). The purpose of this letter is to inform you of the Trustee’s intent to request certain documents be produced by August 30, 2023, pursuant to Rule 2004 of the Federal Rule Bankruptcy Procedure (“FRBP”).

Under FRBP 2004, a trustee may conduct an examination of “any entity” provided that the scope of the examination must relate to “acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate or to the debtor’s right to a discharge.” *See, Fed. R. Bank. P. 2004(b); see also, In re Subpoena Duces Tecum & Ad Testificandum Pursuant to Fed. R. Bankr. P. 2004*, 461 B.R. 823, 829 (Bankr. C.D. Cal. 2011) (“The scope of a 2004 examination is ‘unfettered and broad’ and is akin to a ‘fishing expedition.’”).

Prior to prior to filing a motion for examination under FRBP 2004, the moving party must attempt to meet and confer (in person or telephonically) with you, or your counsel, to arrange for a mutually agreeable date, time, place, and scope of an

10 August 2023
Page 2

examination or production. *See*, Local Bankruptcy Rule 2004-1 for the Central District of California. Specifically, the Trustee requests the following documents be produced no later than August 30, 2022:

Account Name: The Litigation Practice Group, P.C. (EIN 83-3885343)
Account No. All Accounts, including but not limited to accounts ending in 3158, 3133, 3568, 0935 and 6652

- Statements: 07/01/2021 to 03/31/2023
 - Accounts ending 3158, 3133, including all opening and closing statements
- Statements: 05/01/2022 to 03/31/2023
 - Account ending 3568, including all opening and closing statements
- Account ending 3158 – include cleared check images and deposit details
- Account ending 3133 – include deposit details
- Account ending 3568 – include withdrawal details
- Credit Card Statements: 10/01/2022 to 03/31/2023
 - Accounts ending 0935 and 6652

To discuss arrangements for the Rule 2004 examination (document production **only**), please contact me by the close of business on Thursday, August 17, 2023, by e-mail at lmasud@marshackhays.com, or on my cell phone at (909) 680-5574. Again, the Trustee simply seeks documents from your institution to further his investigation into Debtor's assets and financial affairs and appreciates in advance your cooperation in this matter.

Sincerely,



LAILA MASUD

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR ORDER AUTHORIZING PRODUCTION OF DOCUMENTS FROM JP MORGAN CHASE BANK, NA. PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF LAILA MASUD IN SUPPORT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On August 29, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On August 29, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR
MAIL REDIRECTED TO TRUSTEE
THE LITIGATION PRACTICE GROUP
P.C.
17542 17TH ST, SUITE 100
TUSTIN, CA 92780-1981

INTERESTED PARTY
Attn: James Dimon, CEO
1111 Polaris Parkway
Columbus, OH 43240

INTERESTED PARTY
JP Morgan Chase Bank, NA
c/o CT Corporation System
Registered Corporate 1505 Agent
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August 29, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:
PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 29, 2023
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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